

Fire Safety Code Board

Of Appeal & Review

Minutes of November 24, 2009 hearing

The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, November 24, 2009 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Walker, Blackburn, Richard, Preiss, Dias and Pearson. Commissioners Filippi, Jasparro and Jackson were absent from the hearing. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella. The following cases were heard.

APPEAL #070095: Heartease Condo Association, for the property located at 45 Ayrault Street in Newport. Assistant Deputy State Fire Marshals Clark and Gomes appeared for the Newport Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Walker, to grant the following relief. The Applicant is granted a variance to maintain the covering materials within the egress systems in their current configuration and a variance to maintain the cited doors provided the Applicant installs self closing devices to them. The Applicant is granted a time variance of thirty days to submit plans to the Newport Fire Marshal's office for the correction of all remaining deficiencies in this facility, and an additional 120 days to make those corrections. The Newport Fire Marshal's office is granted the authority to extend the above

deadlines for good faith efforts being made by the Applicant. The motion was unanimous.

APPEAL #070089: Vasco DaGama Holy Ghost Society, for the property located at 15 Fenner Avenue, Newport. Assistant Deputy State Fire Marshals Clark and Gomes appeared for the Newport Fire Marshal's office. Commissioner Dias made a motion, seconded by Commissioner Richard, to grant the Applicant's request for variances on items 6 and 8 of the Newport Fire Marshal's report, providing there is no storage in the space above the attic, and the occupancy of the second floor is reduced to 150 persons with a seating chart made available to the Newport Fire Marshal's office. The Applicant is granted a time variance of 120 days in which to correct any outstanding deficiencies in this facility, and the Newport Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts being shown by the Applicant. The motion passed with Commissioner Walker abstaining and Commissioners Blackburn and Preiss in opposition.

APPEAL #070221: Mr. Richmond Farias, for the property located at 3123 East Main Road in Portsmouth. Chief Jeffrey Lynch and Deputy Chief Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Pearson made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of thirty days in which to present a plan of action to the Portsmouth Fire Marshal's office for the correction of all outstanding deficiencies in this facility,

and an additional 120 days in which to make the above corrections. The Portsmouth Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts on the part of the Applicant. The applicant is also granted a variance to enclose the cited stairs at one level only. The motion was unanimous.

APPEAL #070296: Mr. Kamal Hingorany, for the property located at 3102 East Main Road in Portsmouth. Deputy Chief Simmons appeared for the Portsmouth Fire Marshal's office. Commissioner Walker made a motion, seconded by Commissioner Richard, to grant the following relief. The Applicant is granted a variance on items three, four, five and nine of the Portsmouth Fire Marshal's report provided that the Applicant installs domestically supplied sprinklers in the basement of this facility at the direction and to the satisfaction of the Portsmouth Fire Marshal's office. The Applicant is granted a time variance of thirty days to provide the Portsmouth Fire Marshal's office plans for the above installation, as well as plans for rating the paneling, and the installation of a compliant fire alarm system, emergency lights and exit signs in this facility. The Applicant is granted an additional 120 days in which to implement those plans, and the Portsmouth Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts on the part of the Applicant. The motion was unanimous.

APPEAL #090334: Mr. James DeAngelis, for the property located at 3034 East Main Road in Portsmouth. Deputy Chief Simmons

appeared for the Portsmouth Fire Marshal's office. Commissioner Blackburn made a motion, seconded by Vice Chairman Newbrook, to grant the Applicant a time variance of thirty days to submit plans for the installation of a secondary means of egress at this facility, and an additional 120 days in which to implement that plan. The Portsmouth Fire Marshal's office is granted the authority to extend the above deadlines for good faith efforts being made by the Applicant. The motion was unanimous.

APPEAL #080186A: Director of Public Property Alan Sepe, for the property located at 101 Sessions Street in Providence. ADSFM Lisa Krapf appeared for the Providence Fire Marshal's office and Chief of Inspections Scott Caron appeared for the State Fire Marshal's office. Commissioner Preiss recused himself from consideration of this case. Commissioner Walker made a motion, seconded by Vice Chairman Newbrook, to grant the following relief. The Applicant is granted a variance to allow him to maintain the two cited storage rooms in their current configuration. The Applicant is granted a time variance of thirty days in which to prepare a plan to address deficiency 1 and an additional 120 days in which to correct the deficiency. A time variance until January 1, 2010 is granted in order to correct any other outstanding deficiencies in this facility. The motion was unanimous.

APPEAL #090336: Hughes Associates, for the property located at 500 Exchange Street in Providence. ADSFM Timothy Lutz appeared for

the Providence Fire Marshal's office. Commissioner Pearson made a motion, seconded by Commissioner Dias and Vice Chairman Newbrook, to approve the proposed locking arrangements at this facility. The motion was unanimous.

APPEAL #090337: Hughes Associates, for the property located at 1 West Exchange Street in Providence. ADSFM Timothy Lutz appeared for the Providence Fire Marshal's office. Commissioner Dias made a motion, seconded by Vice Chairman Newbrook, to approve the Applicant's proposed solution for the deficiency that exists on the fifteenth floor only of this facility. The motion passed over the opposition vote of Commissioner Preiss.

Old Business: In the matter of Appeal #070102, Executive Director Coffey read into the record a letter from Hughes Associates to Chairman Coutu requesting that the original decision in this case be modified to reflect the fact that the existing stairway enclosure is currently in conformance with the RI Fire Code and that no further enclosure is necessary. Commissioner Dias made a motion, seconded by Commissioner Walker, to approve the modification of the original decision. The motion was unanimous.

The Board reviewed a request from Mr. Leonard Belliveau, Jr., P.E. for clarification of formal interpretation 09-08. No action was taken.

Respectfully submitted,
Carol Marsella